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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**

9 Frescia Anthuane GARRO PINCHI,

10 Petitioner,

11 v.

12 POLLY KAISER, Acting Field Office Director
13 of the San Francisco Immigration and Customs
14 Enforcement Office; TODD LYONS, Acting
15 Director of United States Immigration and
16 Customs Enforcement; KRISTI NOEM,
17 Secretary of the United States Department of
Homeland Security, PAMELA BONDI,
Attorney General of the United States, acting in
their official capacities,

18 Respondents.

Case No. 3:25-CV-5632

**PETITIONER'S NOTICE OF
MOTION AND *EX PARTE* MOTION
FOR TEMPORARY RESTRAINING
ORDER**

NOTICE OF MOTION AND MOTION

2 PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for
3 Northern District of California, that Petitioner Garro Pinchi will and hereby does move for a temporary
4 restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Civil Local Rule 231. Because
5 Petitioner's detention—at an unknown location as of the filing of this motion—violates the Due Process
6 Clause of the Fifth Amendment to the United States, Petitioner respectfully requests that this Court
7 (1) order Petitioner's immediate release from Respondents' custody pending these proceedings, without
8 requiring bond or electronic monitoring, or, in the alternative, (2) order Petitioner's immediate release
9 from Respondents' custody and, within 14 days, order a pre-deprivation bond hearing before the San
10 Francisco Immigration Court, where Respondents shall bear the burden of proof to show, by clear and
11 convincing evidence, that Petitioner is a danger or a flight risk. To preserve this Court's jurisdiction,
12 Petitioner further seeks an order (3) enjoining Respondents from transferring Petitioner out of this District
13 or deporting her during the pendency of the underlying proceedings.

14 This motion is based on this Notice of Motion and Motion; the accompanying Memorandum of
15 Points and Authorities; the supporting Declarations of Brayan Santiago Ropero Cano and Ariel Koren,
16 and Petitioner's counsel Abby Sullivan Engen; the Proposed Order; the papers, evidence, and records on
17 file in this action; and any other written or oral evidence or argument as may be presented at or before
18 the time this motion is heard by the Court. This motion is also supported by the Petition for Writ of
19 Habeas Corpus (ECF No. 1).

20 Consistent with Civil L.R. 65-1, Petitioner seeks relief at the earliest possible opportunity.
21 Petitioner is filing this motion one day after she filed her Petition for Writ of Habeas Corpus.

22 Pursuant to Civil L.R. 65-1(a)(5), and as detailed further in the supporting Declaration of Abby
23 Sullivan Engen, Counsel for Petitioner provided Counsel for Respondents with notice of this Motion and
24 advised Respondents of the emergency reasons requiring Petitioner to seek an *ex parte* application for a
25 temporary restraining order. Counsel for Petitioner and Counsel for Respondents spoke by telephone and
26 discussed the habeas petition and Counsel for Petitioner emailed a copy of the filed petition to Counsel
27 for Respondents; Counsel for Petitioner advised Counsel for Respondents that a Motion for TRO would
28 be forthcoming; Counsel for Petitioner left a voicemail for Counsel for Respondents early in the afternoon

1 several hours before this TRO filing; Counsel for Petitioner emailed Counsel for Respondents a copy of
2 the Memorandum of Points and Authorities shortly before filing it; and in these communications Counsel
3 for Petitioner emphasized Petitioner's medical conditions. As of this filing, Respondents have not
4 stipulated to a TRO or otherwise responded to Counsel for Petitioner's communications following the
5 brief phone call on July 3, 2025.

6
7 Date: July 4, 2025

Respectfully submitted,

8 /s/ Abby Sullivan Engen

9 Abby Sullivan Engen (SBN 270698)
CENTRO LEGAL DE LA RAZA

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11 *Attorney for Petitioner*